

CANYONS OF THE ANCIENTS NATIONAL MONUMENT

Advisory Committee Meeting Minutes

Date: February 17, 2004

Location: Anasazi Heritage Center

Time: 9:00 – 3:30

Advisory Committee Attendees:

Bob Clayton	Chris Majors	Kelly Wilson
Bud Poe	Chuck McAfee	Mark Varien
Bill Lipe	Liz Tozer	Duane Gerren

Bureau of Land Management Attendees:

LouAnn Jacobson	Dan Rabinowitz
Steve Kandell	Tracey Murphy

Public Attendees: (see attached)

Agenda

9:00am - 9:10am	Greetings and Introductions
9:10am - 9:20am	Approval of Minutes from the January 6 th and January 27 th Meeting
9:20am - 9:30am	Planning and Monument Manager Update
9:30am - 10:00am	Recreation Activities Working Group Report
10:00am - 10:10am	Break
10:10am - 11:10pm	Discussion on Recreation Activities
11:10am - 11:30pm	Public Comment
11:30am - 12:00pm	Vote on Recreation Activities
12:00pm - 12:30pm	Lunch at Anasazi Heritage Center <ul style="list-style-type: none">• Overview of Monument Oil and Gas Resources
12:30pm - 1:30pm	Oil and Gas Resources Working Group Report
1:30pm - 2:30pm	Discussion on Oil and Gas Resources
2:30pm - 3:00pm	Public Comment
3:00pm - 3:15pm	Next Agenda

Note, the remainder of these minutes describes the discussion associated with each agenda topic.

Greetings and Introductions

Kelly Wilson welcomed all participants. He addressed the Committee and stated that we had a quorum (i.e., at least seven members present). Kelly asked everyone (i.e., Committee members and the public) to introduce themselves.

Approval of Minutes from the January 6th and January 27th Meeting

Kelly Wilson asked the Committee if there were any requested changes to the minutes from the January 6, 2004 meeting. Bill Lipe identified two areas within the comments he felt Tito

Naranjo should review for accuracy. Steve Kandell stated that he provided the meeting minutes to Mr. Naranjo and did not receive any comments; however, he would ask Mr. Naranjo for comments again. Kelly Wilson pointed out that "I" on page five should be changed to "Aye." Chuck McAfee noted that the reference to "OHV" users on page nine should be changed to "ATV" users. Bill Lipe referred to the meeting minutes where they discussed the review of the internal version of the scoping report. He inquired if the scoping report was still available for Committee members to review. Steve Kandell said it was and that he would get Bill a copy. Kelly Wilson asked for comments on the January 27, 2004 meeting minutes. No comments were provided and both sets of meeting minutes were approved as corrected.

Planning and Monument Manager Update

LouAnn Jacobson then provided Committee members with a brief update. She stated that the solicitor's office is preparing a response to the issues brought up in the letter sent to the Colorado BLM State Director from the National Trust for Historic Preservation. This letter suggested that the proclamation and Colorado BLM Interim Guidance are not consistent regarding mountain bike use in the Monument. Once the solicitor provides his opinion the BLM will request a meeting with the National Trust for Historic Preservation to discuss the issue.

LouAnn also noted that she was in Washington D.C. the first week of February. As part of this trip an exhibit from the Anasazi Heritage Center was put on display at the National Science and Technology Center in Virginia.

Steve Kandell gave a Monument planning update. He stated that work continues toward the development of the Analysis of the Management Situation document. Also, BLM is working with Jones and Stokes to address internal comments on the Draft Scoping Report. This report should be completed within the next month. An internal review version of the Reasonable Foreseeable Development Scenario for oil and gas resources was just completed and is being reviewed. Steve then referred to two letters in the Committee's packet (see attached). These letters were from Walt Heikes and Deb Jensen. In Mr. Heike's letter he proposed that BLM attempt to resolve Mr. Wesley Wallace's unpaid grazing fees by turning over parcels of his private inholdings to the BLM. Mr. Heike's primary concern is the long term protection of an archaeological site on Mr. Wallace's property. LouAnn Jacobson clarified that Wesley Wallace was in trespass, however, this trespass was resolved. Furthermore, she stated that the BLM does not condemn private property. Steve Kandell stated he would draft a letter in response to Mr. Heike's letter for the Committee chairperson's signature. Ms. Jensen's letter identified conflicts between hikers and mountain bikers in Sand Canyon, but did not require a response from the Committee.

Steve Kandell then responded to a question posed by Chris Majors at the previous meeting. This question was how a "grazing advisory board" could be formed, as described in Chris Major's grazing recommendations. Mr. Majors wants this board to be a formally recognized group for addressing grazing issues in the Monument. Furthermore, he wanted the group to be formed in the near future and to continue indefinitely.

Steve recommended that a grazing subcommittee be formed as part of the Monument Advisory Committee. This could be done immediately and would continue as long as the Committee

exists. Since the Committee's role under the charter is to provide recommendations to the BLM concerning the development and implementation of the resource management plan, the Committee will most likely continue for the foreseeable future. Also, as a subcommittee this group would be formally recognized by the BLM. As a subcommittee, all meetings must be advertised in the federal register and local media, be open to the public and be required to keep meeting minutes. Also, recommendations from the subcommittee must go through the full Committee for consideration prior to going to the BLM for consideration.

Chris Majors stated that he wasn't opposed to forming a grazing subcommittee, but was worried about it being terminated in the future. Chris would like to be certain the grazing group has a permanent role in resolving issues on the Monument. LouAnn Jacobson reiterated that a grazing subcommittee could function as long as the full Committee exists. In four years the BLM will evaluate the continued need for of the Monument Advisory Committee. This Committee will either continue with new members, or the South West Resource Advisory Council will deal with Monument issues. LouAnn noted that the membership of a subcommittee would have to be diverse and could not be exclusive to grazing interests only.

Kelly Wilson noted that several members of the Committee have recommended similar types of subcommittees for archaeology, recreation and tribes. Chris asked if it is possible to establish a subcommittee now with a recommendation that when the charter is renewed for the full Committee that a permanent grazing subcommittee be added. LouAnn responded that this approach could be used. Chris suggested that he, LouAnn and Mark Stiles meet to further discuss opportunities to form a grazing group, as discussed in his grazing management recommendations.

Steve Kandell notified everyone that Duane Gerren formally requested to be replaced on the Committee. Dolores County Commissioners have identified two possible replacements for Duane's position. The Monument will have these two individuals fill out application forms, which will be forwarded to the Secretary of the Interior for her final selection.

Kelly Wilson stated that he had a letter from the Kokopelli Bike Club to circulate around to everyone (see attached).

Recreation Activities Working Group Report and Vote on Recreation Activities Resolution

Chuck McAfee presented changes made to his Recreation recommendations write-up (see attached). On page two he added some additional users including running, hunting and star gazing. Starting on page four he replaced the term "management zones" with "visitor access areas". On page six he changed 2.1.d to reflect that visitor access areas would not impact or restrict other uses in these areas (i.e., oil and gas development, grazing, science and research). On page six, 2.1.h was added to identify the need for a trail rating system to assist visitors with selecting the right experience to meet their needs and interests. The previous 2.1.h was deleted. On page seven, 4.1.d was edited to clarify that limiting commercial development in the Monument only applies to public lands. Chuck noted that he has not delineated what the visitor access areas would be yet. This is something that he is still planning to do.

Bud Poe questioned whether defining the visitor access areas was something the Committee should attempt to do. Chris Majors stated that any time you zone something there is an appearance that you are restricting multiple-use. He suggested that the Committee address visitor management and access independent of using zones. Kelly Wilson felt that transportation needs to be addressed before any type of zoning system can be applied. Chuck agreed with this suggestion and stated that several of the qualities people want to preserve on the Monument (e.g., solitude, star gazing) may be best accomplished by using some of form of management areas or units. Steve Kandell noted that the use of management areas or units is not mandated by BLM, but could be useful in addressing issues and mitigating impacts.

Chuck stated that recreation is one of the fastest growing uses on the Monument and that we need good planning to prepare for this increase. Bill Lipe asked if a “primitive area” would restrict research. Chuck stated that in his opinion it would not; however, the name of an area doesn’t mean anything unless you identify the management actions that fall under it. Bill Lipe asked Chris if he felt Chuck’s vision for a backcountry area would impact grazing (e.g., no roads). Chris stated he wasn’t averse to limiting road development, but that he is more concerned with the perception of “zones” limiting multiple-use on the Monument.

Chuck pointed out that 2.1.d of his recreation write-up stated that visitor access areas would not impact multiple-uses. Bill Lipe reiterated that the Committee needs to clarify how these visitor access areas would be defined in order to properly evaluate them. Chuck McAfee asked the other Committee members to read the general visitor access area definitions and tell him if they agree with them.

Break

Kelly Wilson called for a fifteen minute break.

Public Comment

Mary Johnson had two questions for the Committee. First, she asked how the Committee is planning to address roads that pass through private property. Second, she asked how visitors to the Monument know when they are trespassing on private property. Steve Kandell stated that private property issues are to be addressed by the Committee on March 9th. LouAnn Jacobson said that property owners should mark and sign their boundaries and that the Monument tells visitors to purchase a land status map before visiting the Monument and to respect private property.

Chester Tozer stated that he supports the formation of a grazing subcommittee. The South West Resource Advisory Council doesn’t address the needs of livestock operators on the Monument. Chester also stated that recreation management should not conflict with grazing and energy development and that he feels the direction the planning process is going will make the Monument too restrictive. Chester then referred to a BLM Fact Sheet handed out at the scoping workshop in October. He noted that the total miles of streams (i.e., 316) and information about threatened and endangered species is not correct. Steve Kandell asked for the fact sheet so he could review this information.

Ed Zink, former South West Resource Advisory Council member, thanked the Committee for their work. He stated he was involved in the public hearings prior to the establishment of the

Monument. He came away from these hearings feeling that the community did not want the Monument to restrict their use of these public lands. Mr. Zink stated that the interpretation of what a trail is in the plan should be broad. He never intended to exclude mountain bikes on trails in the Monument. He felt that external forces, outside the government, had an undue influence on how the proclamation addressed transportation. Mr. Zink ended by stating that local input needs to be seriously considered during this planning effort.

Amber Clark of the San Juan Citizen's Alliance stated that the visitor access areas being discussed need to be explicitly defined. Leaving these areas generally defined would not be useful to a visitor unfamiliar with the area. Last, Amber stated that calling an area "primitive" wouldn't have the same meaning as a wilderness study area.

Chad Wheelus of the Kokopelli Bike Club stated that he sent a letter to Kelly Wilson and LouAnn Jacobson addressing the club's view on mountain biking in the Monument. He stated that the club is applying to become a 503(1)C. The club places a great value on Sand Canyon and the rest of the Monument and wants to help in managing and protecting the resources. As a teacher with the South West Open School he sees a need for more opportunities for children. He feels that mountain biking in the Monument is a great way for him to interact and teach his students. Last, he stated that he moved to the area because where he came from was becoming too restrictive.

Bill Manning of Trails 2000 stated that protection of resources on the Monument is very important to his group. He stated that vandalism and pot hunting are two of the biggest threats to resources on the Monument, and that he is not aware of any significant impacts users are having on the trails in Sand and East Rock Canyons. He would like to see users of these trails be active partners in their long term management.

Phil Weiser asked about the relationship between the Sonoran Institute and BLM. Steve Kandell noted that the Sonoran Institute has a contract with the BLM to host economic profile system workshops. One of these workshops was held in Cortez in November of 2003. Steve Kandell told Mr. Weiser he would provide him with a contact for the person who manages the contract between BLM and the Sonoran Institute.

Dewayne Findly supported Chuck McAfee removing language in his write-up concerning making changes in the proclamation. Dewayne noted that Montezuma County was obtaining good satellite imagery of the Monument. Dewayne felt that digital-ortho quarter quads would be useful in having an objective discussion on transportation in the Monument.

Nancy Carmon stated that working with local community members is an important part of the planning process. She noted that there is a need to better define the private property boundaries adjacent to the Monument. Along Road 10 she has noticed social trailing develop and is not certain if these trails are on private or public lands.

Carl Knight of the Ute Mountain Ute Tribe asked the Committee member if they were aware of the Brunot Treaty. He stated that this treaty affects 2000 acres of land west of Cortez and was signed two years before Colorado became a state. Mr. Knight asked the Committee to learn about the treaty and to consider it in their work. He feels that now one takes this treaty

seriously. He plans to write to the Secretary of the Interior concerning this issue. Kelly Wilson asked Mr. Knight if he could bring a copy of the treaty, along with a legal description of the area, to the Committee. Bud Poe questioned why Committee member Selwyn Whiteskunk has never brought up this issue before.

Chris Majors suggested making a change to 3.2.e of the recreation recommendations to “respect all treaty rights.” Steve Kandell stated he would bring a copy of the Brunot Treaty to the next Committee meeting.

Recreation Activities Working Group Report and Vote on Recreation Activities Resolution (continued)

Kelly Wilson asked if the Committee wanted to vote on the recreation recommendations today or to table them to a later date.

Referring to the visitor access areas in the recreation write-up, Mark Varien asked how specific the Committee’s recommendations should be. Furthermore, he asked if recommendations are left general how the Committee and general public would be involved in the making specific management decisions. Steve Kandell responded that the Committee could just make a more general recommendation for BLM to consider using visitor access areas toward the development of planning alternatives. The only reason to develop visitor access areas is if they help resolve an issue or group of issues. Steve then stated that developing specific visitor access areas is probably a task the Committee should leave to the BLM. The BLM will take the general recommendations made by the Committee and if warranted, develop them into specific management actions. Once this has been done, BLM will provide the Committee and general public with an opportunity to review and comment on these actions. This will be accomplished through the review of draft alternatives and the draft plan.

Bill Lipe stated that visitor access areas are probably a good tool for BLM to use toward managing visitors. Furthermore, Bill felt that BLM should be left with the task of developing the specific areas, not the Committee.

Chris Majors expressed concern over the perception that visitor access areas may harm multiple-uses in the Monument. He suggested making an edit to 2.1.d in the recreation write-up. After some discussion it was decided that 2.1.d would be changed to read “permitted activities (i.e., livestock grazing) and valid existing rights (i.e., oil and gas leases) will not be restricted by the creation of visitor access areas.”

Kelly Wilson felt that the Committee was not ready to vote on the recreation recommendations. Bob Clayton made a motion to table the vote. Liz Tozer seconded the motion. Kelly Wilson said “all in favor of tabling the vote say aye”. All Committee members responded.

Overview of Monument Oil and Gas Resources

Following lunch Kelly Wilson asked all the new members of the public to introduce themselves. Following these introductions Bob Clayton made a presentation on “Oil, Gas and CO2-A Multiple Use in Canyons of the Ancients National Monument” (see attached).

Following Bob's presentation several questions were asked. Bud Poe asked if the CO2 dome is continuous underneath the Monument, then why do you need multiple wells to access it. Bob responded that the CO2 gas is trapped in the rocks and has to be retrieved using several drill holes. An oil and gas operator in the audience stated that it's possible to move your well site from 3 to 1,500 feet using directional drilling. However, doing this can add 30-45 percent increase in drilling cost.

Committee members then had questions concerning oil, gas and CO2 leasing in the Monument. Steve Kandell referred to a map on the wall illustrating these leases. Bud Poe asked what the life expectancy is of CO2 from the Permian Basin. Bob Clayton estimated it to be about 20 to 30 years. The audience inquired what CO2 is used for. Bob Clayton explained it's used for enhanced oil recovery in the west Texas oil fields. Meaning CO2 is injected into well fields to increase pressure and subsequently prolong the life of the field. A member of the audience asked why CO2 has to be removed from the ground when it exists in the atmosphere. Bob explained that CO2 has to be pressurized. To take CO2 from the air and pressurize it to the level necessary is not economical. Chris Majors asked how the royalties from oil and gas development are distributed. Bob Clayton stated that 75 percent goes to the federal government and 25 percent to private land owners.

Chuck McAfee asked if there are ways to produce oil and gas without additional drilling. Bob Clayton stated that additional wells are needed to maintain pressure in their pipeline. However, Bob noted that they have flexibility where they can drill and are using the best available technology (e.g., directional drilling). An oil and gas operator in the audience stated that for natural gas and oil they don't have as much flexibility where they can drill. Instead, discrete locations must be drilled. As a result, 3-D seismic exploration needs to be pursued to reduce the number of dry holes that have to be drilled.

Kelly Wilson asked the oil and gas producers in the audience if they had any thing to add to Bob's presentation. They responded no. Kelly called for a break.

Discussion on Oil and Gas Resources

Bob Clayton handed out his oil, gas and CO2 recommendations to the Committee and began reviewing them. Following some discussion, it was agreed that Objective 1 would be changed to read "Educate visitors prior to visiting the Monument on the importance of all multiple-uses including oil and gas and CO2. Work in a collaborative way with the BLM and other multiple-users in the Monument."

Referring to 1-1-a, Bill Lipe suggested adding how oil and gas is developed in an environmentally friendly manner. Referring to 1-1-c, Chuck McAfee suggested adding how the oil and gas resources extracted from the Monument are used.

Bob Clayton reviewed the industry Best Management Practices listed under Objective 2. LouAnn Jacobson noted that on April 29th there will be a BLM satellite broadcast on agency Best Management Practices for oil and gas. Under 1.2.b, Bill Lipe suggested that minimizing impacts to cultural resources needs to be mentioned. Referring to 1-3-b Bud Poe asked what "encourage Monument manager to recognize" means. Bob responded that BLM should realize

that many of the oil and gas facilities have been on public land for some time and that they can't be removed or improved overnight. Bud Poe stated that the action implies that BLM is pressuring operators to remove or modify their facilities.

Bill Lipe noted that several of the actions, as written, are from the perspective of the oil and gas operators. Instead, they need to be edited to read as BLM actions, not operator actions. Referring to 1-3-c, Chuck McAfee recommended editing the action so "BLM develops a plan with oil and gas operators to remove abandoned equipment." Also, this action should identify a specific time frame and cooperation between BLM and the operators.

Referring to 1-3-b, Bud Poe asked how long oil and gas leases are valid. LouAnn Jacobson stated that leases are for ten years; however, if the lease is producing then it lasts in perpetuity. Only when production ceases does the clock begin again on the ten years. Dan Rabinowitz, BLM petroleum engineer stated that dry wells don't hold leases in perpetuity, only producing wells do.

Kelly Wilson stopped the discussion and asked the public if they had any comments.

Public Comment

Chester Tozer stated that the BLM and South West Resource Advisory Committee continue to under report the true amount of oil and gas being produced on the Monument. Mr. Tozer also stated that the dry ice plant in McElmo Canyon is being sued by BLM and employees there are under a gag order not to speak about the lawsuit.

Phil Weiser expanded on Mr. Tozer's claims by stating that oil and gas production figures on the Monument have been misreported every year since the signing of the proclamation.

Referring to 1-3-c of the oil and gas recommendations, Nancy Carmon referred to an old well in Cross Canyon. She asked when this well would be cleaned up. Dan Rabinowitz said we would have to identify the specific location of the well site. It's possible that it is on private land.

A staff member from Hovenweep National Monument, stated that under Objective 2 the Committee should consider mitigating impacts of oil and gas operations on the sound scape and solitude.

A member of the public noted that under the leasing rules and proclamation, oil and gas that cannot be extracted using current technology could be lost. If new technology was developed that made it cost effective to extract the oil and gas it would not be possible since the lease was already terminated.

Kelly Wilson closed the meeting to public comment.

Next Agenda

After some discussion the Committee agreed to change the meeting schedule. These changes would allow transportation to be discussed next. This would assist in coming to a final vote on

the recreation recommendations and provide more time for public outreach before the private property issue is discussed.

Referring to Objective IV, Kelly Wilson suggested deleting the words “involved as.”

Kelly Wilson closed the meeting, stating he will see everyone March 9, 2004.

Meeting adjourned at 3:45pm.